

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.20227 of 2019
and
Cr1.M.P.No.10364 of 2019

R.Krishnaraj

...Petitioner

Vs.

1. State rep by
The Inspector of Police,
CCPWD, CID, Cuddalore,
Cuddalore District.
(Crime No.1 of 2004)

2. R.M.S.Vinayagar
Deputy Registrar (Housing Board),
Deputy Registrar Office (Housing Board),
Manjakuppam,
Cuddalore.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in the charge sheet in C.C.No.55 of 2016 on the file of the learned Judicial Magistrate No.II, Panruti in Crime No.1 of 2014 pending on the file of the first respondent and quash the same.

For Petitioner : Mr.K.Govindaraj

For Respondents : Mr.C.Iyyapparaj for R1
Additional Public Prosecutor
R2 - No appearance

O R D E R

This Criminal Original Petition has been filed seeking to direct the II Fast Track Court, Metropolitan Magistrate, Allikulam, Chennai to expedite the investigation in C.C.No.6716 of 2016, within a stipulated time.

2. The petitioner herein has been arrayed as a third accused in the impugned charge sheet. As per the statement of the witness, it is revealed that the petitioner herein was employed as Supervisor / Co-operative Sub Registrar at Neyveli Co-

operating Building Society for the period from 25.03.2001 to 25.03.2002. The charge against the petitioner herein is that he had committed offences under Sections 120(b), 408, 409, 467, 468 and 471 of IPC by indulging in creating loss to the society to the tune of Rs.1,75,000/- while disbursing a housing loan in loan account No.310 in favour of one Amudha on 05.01.2003. Apparently on the date on which the loan came to be disbursed in favour of the said Amudha, the petitioner was not under the employment of Neyveli Co-operative Building Society. None of the statement of the witness, implicate the petitioner. While that being so, I am unable to comprehend as to how the trial court can find the petitioner herein guilty of charged offences. Hence, it would not be appropriate to submit the petitioner to ordeals of a criminal trial court.

3.Hence, the proceedings in C.C.No.55 of 2016 on the file of the learned Judicial Magistrate No.II, Panruti in Crime No.1 of 2014, in sofar as it relates to the petitioner/3rd accused is concerned, stands quashed. Accordingly, the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

vkr

To

- 1.The Inspector of Police,
CCIWD, CID, Cuddalore,
Cuddalore District.
- 2.The Judicial Magistrate No.II,
Panruti.
3. The Additional Public Prosecutor,
High Court of Madras.
- 4.The II Fast Track Court
Metropolitan Magistrate
Allikulam, Chennai.

+1 CC to Mr.M. Kaviveerappan, Advocate sr 86143

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BP(CO)
SP(21/10/2019)